U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 200401825

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:		
Stat	e:	TN			
Cou	inty:	Marshall			
Cen	ter coordir	ates of si	te (latitude/longitud	le):	35-24-36.2, 86-48-21.5
			a (parcel) reviewed		g uplands: 5 acres.
Nan	ne of neare	st waterw	ay: Big Rock Creel	k	
Nan	ne of water	shed:	Duck River		
			RMINATION		
Con	npleted:	Desktop	determination	$\boxtimes$	Date: 10-4-04
		Site visit	(s)		Date(s):
Jur	isdictional	Determi	nation (JD):		
	Prelimina	rv JD - B	ased on available ir	nformation	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
	United St	ates" and			Inited States" on the project site. A preliminary JD is not appealable
			110.		(D. C
	Check all			appealable	e action (Reference 33 CFR part 331).
	□ <i>T</i> 1		:1-1 £ 41	II:4- J C4	-t" ( 1-fin-1 b 22 CED+ 2201i-t-1i-t-1i-t-1
			Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	N m		6.1 11 1. 1.0.		1.6 11 00 GTD 200 1 1 1 1 1
					defined by 33 CFR part 328 and associated guidance) within the al area: 645 linear feet of stream.
	☐ There	are "isol	ated non-navigable	e. intra-sta	te waters or wetlands" within the reviewed area.
					NCC/Migratory Bird Rule Information Sheet for Determination of No
RACIC (	E HIBIS	DICTION	NAL DETERMIN	ATION:	
A.					avigable waters of the United States":
					and flow of the tide and/or are presently used, or have been used in
_					rt interstate or foreign commerce.
В.					s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
_					ers which are subject to the ebb and flow of the tide.
			f interstate waters in		
					te lakes, rivers, streams (including intermittent streams), mudflats,
					et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
			of waters otherwise		
	_		-	ier identifi	ed in (1) – (4) above.
			f territorial seas.	2 to other v	vaters of the US, except for those wetlands adjacent to other wetlands.
	(7) The p	resence of	i wenanus aujacent	to other v	valers of the OS, except for mose wettailus adjacent to other wettailus.

U.S. Army Corps of Engineers

	UMBER: 200301769
Stat Cou Cer App Nar	CT LOCATION INFORMATION:  te: Tennessee thty: Sullivan ter coordinates of site (latitude/longitude): N36-29-26.808, W82-19-7.896 proximate size of area (parcel) reviewed, including uplands: acres.  the of nearest waterway: South Fork Holston the of watershed: South Fork Holston
	PICTIONAL DETERMINATION  Impleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ <i>there appear to be</i> (or) $\square$ <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Navigable Water as identified in ORNOR-F 86-23

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Normal Summer Pool Elevation as defined by the TVA
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Dealogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER: 200401864** 

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:		
Stat	te:	TN			
	ınty:	Franklin			
			te (latitude/longitude		35-11-52.8/ 86-8-37.8
			a (parcel) reviewed,	including	uplands: acres.
			ay: Elk River		
Nar	ne of wate	rshed:	Upper Elk		
			D		
			RMINATION		D + 10 < 04
Cor	mpletea:		determination	$\boxtimes$	Date: 10-6-04
		Site visit(	(s)		Date(s):
Jur	risdictiona	l Determi	nation (JD):		
					, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
			part 331).		1 3 1 3 11
$\boxtimes$		d JD – An l that apply		ppealable	action (Reference 33 CFR part 331).
	Check un	r that appi	, .		
	$\boxtimes$ There	are "navi	gable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the review	wed area.	Approximate size o	f jurisdict	ional area: .
			ers of the United Sta proximate size of ju		lefined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	are "isolo	ated, non-navigable	, intra-sta	te waters or wetlands" within the reviewed area.
			Decision supported Jurisdiction.	by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (	OF JURIS	DICTION	NAL DETERMINA	ATION:	
Α.					vigable waters of the United States":
	The prese	ence of wa	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
<u>B.</u>					s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
_					ers which are subject to the ebb and flow of the tide.
			interstate waters in		
$\boxtimes$					te lakes, rivers, streams (including intermittent streams), mudflats,
					t meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
			of waters otherwise		l purposes by industries in interstate commerce.
H					ed in $(1)$ – $(4)$ above.
			f territorial seas.	ci iuciiiii	$\operatorname{cd} \operatorname{III}(1) = (7) \operatorname{above}$ .
				to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: I other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER: 200401864** 

<b>PROJE</b> (	CT LOCAT	ION INE	FORMATION:			
Stat	e: T	N				
		ranklin				
			e (latitude/longitude		35-11-50.8/86-1	4-25.6
			(parcel) reviewed,	including	uplands: a	icres.
Nan	ne of nearest		ıy: Elk River			
Nan	ne of watersh	ned:	Upper Elk			
			RMINATION	_		
Con	<b>npleted:</b> D	esktop d	etermination	$\bowtie$	Date: 10-6-04	
	S	ite visit(s	s)		Date(s):	
Jur	isdictional <b>D</b>	<b>Determin</b>	ation (JD):			
		es" and/o	or "navigable water			to be (or) there appear to be no "waters of the ne project site. A preliminary JD is not appealable
$\boxtimes$	Approved J Check all th		* *	ppealable	action (Reference	e 33 CFR part 331).
			gable waters of the Approximate size o			by 33 CFR part 329 and associated guidance) within
			rs of the United Sta roximate size of ju			a part 328 and associated guidance) within the
	There as	] :				nds" within the reviewed area.  Bird Rule Information Sheet for Determination of No
BASIS (	)F HIRISDI	ICTION	AL DETERMINA	TION.		
A.					vigable waters of	f the United States":
	The presence	e of wate		to the ebb	and flow of the ti	ide and/or are presently used, or have been used in
В.	Waters def	ined und	der 33 CFR part 3	28 3(a) as	s "waters of the I	Inited States"
						in the past, or may be susceptible to use in
_						ject to the ebb and flow of the tide.
			interstate waters in			
$\overline{\boxtimes}$						eams (including intermittent streams), mudflats,
_						lakes, or natural ponds, the use, degradation or
						y such waters (check all that apply):
						s for recreational or other purposes.
						in interstate or foreign commerce.
						ustries in interstate commerce.
			of waters otherwise			
			a tributary to a wat			
			territorial seas.			
	(7) The pres	sence of	wetlands adjacent <sup>2</sup>	to other w	vaters of the US, e	except for those wetlands adjacent to other wetlands.

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: I other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER: 200401863** 

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:			
Stat	e:	TN				
	inty:	Grundy				
			e (latitude/longitude		35-15.331/85	47.230
			a (parcel) reviewed,	including	uplands:	acres.
Nan	ne of neare		ay: Elk River			
Nan	ne of water	rshed:	Upper Elk			
			RMINATION	_		
Cor	npleted:	Desktop d	determination	$\bowtie$	Date: 10-6-04	
		Site visit(	s)		Date(s):	
Jur	isdictional	Determin	nation (JD):			
	United St	ates" and/				ar to be (or) there appear to be no "waters of the the project site. A preliminary JD is not appealable
	• •	d JD – An that apply	* *	ppealable	action (Referen	ace 33 CFR part 331).
			gable waters of the Approximate size of			by 33 CFR part 329 and associated guidance) within .
			ers of the United Sta proximate size of ju			FR part 328 and associated guidance) within the
	☐ There					lands" within the reviewed area. Bird Rule Information Sheet for Determination of No
BASIS (	F JURIS	DICTION	NAL DETERMINA	TION:		
A.					vigable waters	of the United States":
	The prese	nce of wat		to the ebb	and flow of the	tide and/or are presently used, or have been used in
В.	Waters d	lefined un	der 33 CFR part 3	28.3(a) as	s "waters of the	United States":
						ed in the past, or may be susceptible to use in
_						bject to the ebb and flow of the tide.
			interstate waters in			
$\overline{\boxtimes}$						streams (including intermittent streams), mudflats,
_						ya lakes, or natural ponds, the use, degradation or
	destruction	on of which	h could affect inters	tate comn	nerce including	any such waters (check all that apply):
	(i) w	hich are or	r could be used by it	nterstate c	or foreign travele	ers for recreational or other purposes.
	ii) f	rom which	n fish or shellfish are	e or could	be taken and so	old in interstate or foreign commerce.
	(iii)	which are	or could be used for	r industria	l purposes by in	dustries in interstate commerce.
			of waters otherwise			
			a tributary to a wate	er identifi	ed in $(1) - (4)$ al	bove.
			territorial seas.			
	(7) The p	resence of	wetlands adjacent <sup>2</sup>	to other w	vaters of the US.	, except for those wetlands adjacent to other wetlands.

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: I other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville District

FILE N	UMBER: 970009080
Stat Cou Cen App Nan	CT LOCATION INFORMATION:  de: Tennessee anty: Rhea atter coordinates of site (latitude/longitude): N 35d 44' 43.49" W84d 44' 35.46" acres acres acres acres acres waterway: Rector Branch acres acres acres.  Tennessee acres
	PICTIONAL DETERMINATION  Impleted: Desktop determination  Date: 10/08/2004
	Site visit(s)  Date(s):
T	
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	$\square$ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
RASIS (	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
$\boxtimes$	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
H	<ul> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,</li> </ul>
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	<ul> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul>
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Normal Summer Pool Elevation as defined by the TVA
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Dealogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville District

**FILE NUMBER:** 4513600

<b>PROJE</b>	CT LOCATION INFORMATION:
Sta	te: Tennessee
Cou	ınty: Rhea
Cer	nter coordinates of site (latitude/longitude): N35d 44' 51.14" W84d 44' 37.84"
App	proximate size of area (parcel) reviewed, including uplands: acres.
Naı	ne of nearest waterway: Whites Creek
Naı	ne of watershed: Tennessee
	OICTIONAL DETERMINATION
Cor	mpleted: Desktop determination \times Date: 10/08/2004
	Site $visit(s)$ Date(s):
<b>T</b>	"-1"-d"1-D-4"d" (ID)-
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ <i>there appear to be</i> (or) $\square$ <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	(Attended to Corn part to 1)
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  □ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
DACTO	DE HIDISDICTIONAL DETERMINATION.
	OF JURISDICTIONAL DETERMINATION: Western defined and the 22 CER most 220 or "very inclination of the United States":
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
	the past, of may be susceptible for use to transport interstate of foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
_	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands

	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Normal Summer Pool Elevation as defined by the TVA
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Dealogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 200401878

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:		
Stat	te:	TN			
Cou	ınty:	Grainger			
Cer	nter coordi	nates of si	te (latitude/longitud	e):	N 36 17 34.3 W 83 20 39.2
App	proximate	size of are	a (parcel) reviewed	, including	guplands: 1 acres.
Nar	ne of near	est waterw	ay: Holston River		
Nar	ne of wate	rshed:	HUC #06010104		
			RMINATION		
Cor	mpleted:	Desktop	determination		Date: 7 October 2004
		Site visit	(s)		Date(s):
Jur	risdictiona	l Determi	nation (JD):		
	Prelimin	arv JD - B	ased on available in	formation	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
_	United S	tates" and	or "navigable water		nited States" on the project site. A preliminary JD is not appealable
	(Referen	ce 33 CFR	2 part 331).		
$\boxtimes$	Approve	d ID – An	approved ID is an	annealable	action (Reference 33 CFR part 331).
		that apply		тррешиоте	neuon (Nerotenee 33 et 14 pait 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within
	the revie	wed area.	Approximate size of	of jurisdict	ional area: 240 linear feet of shoreline.
	☐ There	are "wate	ers of the United Sta	ates" (as d	lefined by 33 CFR part 328 and associated guidance) within the
			proximate size of ju		
	☐ There	are "isol	ated, non-navigable	, intra-sta	te waters or wetlands" within the reviewed area.
			Decision supported	l by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
RACIC (	OF HIRIS	DICTION	NAL DETERMINA	ATION:	
A.					vigable waters of the United States":
					o and flow of the tide and/or are presently used, or have been used in
					rt interstate or foreign commerce.
В.	Waters	defined ur	nder 33 CFR nart 3	328 3(a) a	s "waters of the United States":
$\boxtimes$					used, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
			f interstate waters in		
Ħ					te lakes, rivers, streams (including intermittent streams), mudflats,
_					t meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
	(ii) 1	from which	h fish or shellfish ar	e or could	be taken and sold in interstate or foreign commerce.
					l purposes by industries in interstate commerce.
			of waters otherwise		
					ed in (1) – (4) above.
	(6) The p	resence of	f territorial seas.		
				to other v	vaters of the US, except for those wetlands adjacent to other wetlands.
	•		-		-

	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Normal Summer Pool of Cherokee Lake, as established by the TVA.
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Cother (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  □ This office concurs with the delineation report, dated , prepared by (company):  □ This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Bean Station Quad  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. As Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01870

(6) The presence of territorial seas.

# PROJECT LOCATION INFORMATION: State: TNMontgomery County: Center coordinates of site (latitude/longitude): 36.3221/87.3607 Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Fletcher Fork of the Little West Fork of the Red River Name of watershed: Red River JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 10/4/2004 Site visit(s) Date(s): **Jurisdictional Determination (JD):** Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): □ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. □ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Fletchers Fork is a trib of the Little West Fork Red River which is a trib to the Cumberland River.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01866

(6) The presence of territorial seas.

FILE N	IUMBER: 2004-01866	
Stat Cou Cen App Nan	CCT LOCATION INFORMATION:  tte: TN  unty: Rhea  nter coordinates of site (latitude/longitude): N 35 31 48.5 W 84 59 16.6  proximate size of area (parcel) reviewed, including uplands: 15 acres.  me of nearest waterway: Little Richland Creek  me of watershed: HUC #06010201	
	DICTIONAL DETERMINATION  Impleted: Desktop determination	
Jur	risdictional Determination (JD):	
	Preliminary JD - Based on available information, \( \sum_{\text{there appear to be}}\) (or) \( \sum_{\text{there appear to be no}}\) "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).	
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:	iin
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
	<ul> <li>There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.</li> </ul>	No
BASIS (	OF JURISDICTIONAL DETERMINATION:	
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	n
B.	<ol> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):</li> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> </ol>	
	<ul> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> </ul>	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Property meets requirements for jurisdictional wetland and is directly adjacent to and contiguous with Little Richland Creek, a tributary to the Tennessee River which is a Section 10 water.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ thigh Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
$\bowtie$	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Evensville Quad  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18.0 Minute Historic quadrangles:  U.S. Geological Survey 18.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $<sup>^{2}</sup>$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01861

<b>PROJE</b>	CT LOCATION IN	FORMATION:		
Stat				
Cou	nty: Dickson			
Cen	ter coordinates of si	te (latitude/longitude	e):	36 3.168/87 23.812
App	proximate size of are	ea (parcel) reviewed,	including	uplands: acres.
Nan	ne of nearest waterw	ay: East Piney Rive	r	
Nan	ne of watershed:	6040003 Duck		
	ICTIONAL DETE			D
Cor	npleted: Desktop		$\boxtimes$	Date: 6 Oct. 2004
	Site visit	(s)		Date(s):
Jur	isdictional Determi	nation (JD):		
	Preliminary JD - B	ased on available in	formation.	$\Box$ there appear to be (or) $\Box$ there appear to be no "waters of the
_				nited States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR	-		
$\boxtimes$	Approved ID – An	approved ID is an a	nnealable	action (Reference 33 CFR part 331).
	Check all that appl		ррешиоте	action (received 33 of it pair 331).
	11	,		
	There are "navi	igable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area.	Approximate size o	f jurisdict	ional area: .
	There are "water	ers of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the
		proximate size of ju		
	☐ There are "isol	ated, non-navigable	, intra-sta	te waters or wetlands" within the reviewed area.
		Decision supported	by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.		
DAGTG (	NE HIDIODIOTIO	MAI DEWEDMIN	TION	
		NAL DETERMINA		wigable western of the United States?
A.				wigable waters of the United States": and flow of the tide and/or are presently used, or have been used in
_				rt interstate or foreign commerce.
В.	Waters defined un	nder 33 CFR part 3	28.3(a) as	s "waters of the United States":
				ised, or were used in the past, or may be susceptible to use in
_				ers which are subject to the ebb and flow of the tide.
		f interstate waters in		
$\boxtimes$				e lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands	, sloughs, prairie po	tholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which	h could affect inters	state comn	nerce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
	(ii) from which	h fish or shellfish ar	e or could	be taken and sold in interstate or foreign commerce.
				l purposes by industries in interstate commerce.
		of waters otherwise		
			er identifi	ed in $(1) - (4)$ above.
	(6) The presence of			
	(7) The presence of	f wetlands adjacent <sup>2</sup>	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $<sup>^{2}</sup>$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville District

FILE N	UMBER: 2004-01852
Sta Coo Cer App Nai	CT LOCATION INFORMATION:  te: Tennessee unty: Washington ter coordinates of site (latitude/longitude): N36-26.052', W82-25.154' proximate size of area (parcel) reviewed, including uplands: acres.  me of nearest waterway: Watauga Rive me of watershed: Watauga
JURISE	DICTIONAL DETERMINATION
Con	mpleted: Desktop determination Date: 10/04/2004 Site visit(s) Date(s):
T.,,	risdictional Determination (JD):
Jui	
	Preliminary JD - Based on available information, $\square$ <i>there appear to be</i> (or) $\square$ <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	<ul> <li>There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.</li> </ul>
BASIS	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
$\boxtimes$	
_	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
$\vdash$	<ul> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,</li> </ul>
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> </ul>
	<ul><li>(4) Impoundments of waters otherwise defined as waters of the US.</li><li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li></ul>
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Normal Summer Pool Elevation as defined by the TVA
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Dealogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01848

Stat Cou Cen App Nan	cct Location Information:  ate: TN  unty: Hamblen  nter coordinates of site (latitude/longitude): N36-11-47; W83-15-58"  oproximate size of area (parcel) reviewed, including uplands: 0.01 acres.  me of nearest waterway: Holston River  me of watershed: Holston HUC 6010102	
	DICTIONAL DETERMINATION  completed: Desktop determination	
Jur	risdictional Determination (JD):	
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appear (Reference 33 CFR part 331).	
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) the reviewed area. Approximate size of jurisdictional area:	within
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination Jurisdiction.	of No
BASIS (	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been use the past, or may be susceptible for use to transport interstate or foreign commerce.	ed in
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudfla sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation of destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.	
	<ul> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other we</li> </ul>	tlands.

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other:  Ordinary High Water Mark indicated by: I High Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I did
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain): In accordance with 33 CFR part 323.4 (a)(2) Maintenance of bridge abutments that are currently serviceable, and that does not include discharge of dredged or fill material, does not require a permit.
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Su

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01835

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:		
Stat	e:	TN			
Cou		Williams			
Cen	ter coordii	nates of si	te (latitude/longitud	le):	35 59.223/86 59.602
App	roximate s	size of are	a (parcel) reviewed	, including	g uplands: acres.
Nan	ne of neare	est waterw	ay: Little East Fork	Creek	
Nan	ne of water	rshed:	Harpeth River		
			RMINATION	_	
Cor	npleted:	Desktop	determination	$\bowtie$	Date:
		Site visit	(s)		Date(s):
Jur			nation (JD):		
	United St	tates" and			, \sum there appear to be (or) \sum there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An that apply		appealable	e action (Reference 33 CFR part 331).
			gable waters of the Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the United St proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	are "isol			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (	F JURIS	DICTION	NAL DETERMIN	ATION:	
A.					avigable waters of the United States":
	The prese	ence of wa	ters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
В.	Waters d	lefined ur	nder 33 CFR part	328.3(a) as	s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
	interstate	or foreign	n commerce, includ	ing all wat	ers which are subject to the ebb and flow of the tide.
	(2) The p	resence of	f interstate waters in	ncluding in	nterstate wetlands <sup>1</sup> .
$\boxtimes$	(3) The p	resence of	f other waters such	as intrastat	te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats.	, wetlands	, sloughs, prairie po	tholes, we	et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
_					l purposes by industries in interstate commerce.
			of waters otherwise		
				ter identifi	ed in (1) - (4) above.
			f territorial seas.	2 , , ,	
	(/) The p	resence of	wetlands adjacent	to other v	vaters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  Mean High Water Mark indicated by:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
_	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA H	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01834

<b>PROJEC</b>	CT LOCATION INFORMAT	ΓΙΟN:			
State	e: TN				
Cou					
	ter coordinates of site (latitude		35 18 12.42/8	88 13 17.10	
	proximate size of area (parcel)		luding uplands:	acres.	
	ne of nearest waterway: Tenne				
Nan	ne of watershed: Lower Te	nnessee Rive	r		
HIRISD	ICTIONAL DETERMINAT	ION			
	npleted: Desktop determinat		Date: Oct. 4,	2004	
002	Site visit(s)		Date(s):		
	Site visit(s)		Date(s).		
Juri	isdictional Determination (JI				
		ble waters of		ear to be (or) there appear to be no "waters on the project site. A preliminary JD is not appear	
$\boxtimes$	Approved JD – An approved Check all that apply:	JD is an appe	alable action (Refere	ence 33 CFR part 331).	
	There are "navigable water the reviewed area. Approximate			ed by 33 CFR part 329 and associated guidance)	within
	☐ <i>There are</i> "waters of the Ureviewed area. Approximate			CFR part 328 and associated guidance) within the	e
		supported by		etlands" within the reviewed area. y Bird Rule Information Sheet for Determinatio	n of No
BASIS (	OF JURISDICTIONAL DET	ERMINATIO	ON·		
A.	Waters defined under 33 Cl			s of the United States":	
	The presence of waters that an	e subject to the	he ebb and flow of th	ne tide and/or are presently used, or have been us	sed in
	the past, or may be susceptible	e for use <u>to tr</u>	ansport interstate or t	foreign commerce.	
В.	Waters defined under 33 Cl	FR nart 328.3	3(a) as "waters of th	ne United States":	
				sed in the past, or may be susceptible to use in	
_				subject to the ebb and flow of the tide.	
	(2) The presence of interstate				
				streams (including intermittent streams), mudfl	ats,
	sandflats, wetlands, sloughs,	prairie pothole	es, wet meadows, pla	aya lakes, or natural ponds, the use, degradation	or
				g any such waters (check all that apply):	
				elers for recreational or other purposes.	
				sold in interstate or foreign commerce.	
				ndustries in interstate commerce.	
H	<ul><li>(4) Impoundments of waters of</li><li>(5) The presence of a tributary</li></ul>				
	(6) The presence of a tributary			400.0	
Ħ			other waters of the US	S, except for those wetlands adjacent to other we	etlands.
_		3		•	
·		-4°1 D 4			1

Lat ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA I	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 200401832

<b>PROJE</b> (	CT LOCA	TION IN	FORMATION:		
Stat	e:	AL			
Cou	inty:	Marshall			
Cen	ter coordii	nates of si	te (latitude/longitud	e):	34-19-32.6, 86-22-55.7
			a (parcel) reviewed		g uplands: 1 acres.
			ay: Beech Creek, L		
	ne of wate		Tennessee River		
<b>JURISD</b>	ICTIONA	L DETE	RMINATION		
Con	npleted:	Desktop	determination	$\boxtimes$	Date: 10/05/04
		Site visit	(s)		Date(s):
			` '	_	
Juri —			nation (JD):		_
	United St	tates" and			, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An that apply		appealable	e action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within cional area: 90' of shoreline.
			ers of the United Sta proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (	E HIRIS	DICTION	NAL DETERMINA	ATION:	
A.					avigable waters of the United States":
	The prese	ence of wa	iters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters d	lefined ur	nder 33 CFR part 3	328.3(a) a	s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
_					ters which are subject to the ebb and flow of the tide.
			f interstate waters ir		
					te lakes, rivers, streams (including intermittent streams), mudflats,
_					et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
			of waters otherwise		
					ied in (1) - (4) above.
	(6) The p	resence of	f territorial seas.		
				to other v	waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: I did or scum line along shore objects I fine shell or debris deposits (foreshore) I physical markings/characteristics I tidal gages Other: Other: Lake Guntersville NSP
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Arab, AL  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date): TVA photographs, 9/9/04  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01815

			FORMATION:		
Cen App Nan	inty: ter coordin proximate s	size of are est waterw	te (latitude/longituda a (parcel) reviewed ay: Second Creek HUC #06010201		N 36 0 46.1 W 83 58 26.6 guplands: 10 acres.
			RMINATION determination (s)		Date: Date(s): 4 October 2004
Jur	isdictional	Determi	nation (JD):		
	United St	ates" and			, ☐ there appear to be (or) ☐ there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved Check all			appealable	action (Reference 33 CFR part 331).
			gable waters of the Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the United St proximate size of ju		lefined by 33 CFR part 328 and associated guidance) within the al area: 2 acres.
	☐ There	are "isolo			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (	Waters d The prese	l <b>efined ur</b> nce of wa	ters that are subjec	<b>329 as "na</b> to the ebb	avigable waters of the United States": and flow of the tide and/or are presently used, or have been used in at interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (i) with the printerstate (ii) with the printerstate (iii)	resence of or foreign resence of resence of wetlands on of which hich are of rom which which are undments resence of	waters, which are a commerce, included interstate waters in other waters such a sloughs, prairie per could be used by a fish or shellfish a or could be used for waters otherwise a tributary to a was a territorial seas.	currently using all wat neluding in as intrastal otholes, we state comminterstate or could or industriate defined a ter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Areas meet criteria for jurisdictional wetlands and are directly adjacent to and contiguous with a tributary to Second Creek, which feeds into the Tennessee River, a section 10 water.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: S&ME, Inc. (Brooke Davis)
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated September 1, 2004, prepared by (company): S&ME, Inc  This office does not concur with the delineation report, dated  This office does not concur with the delineation report, dated  prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Fountain City Quad  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $<sup>^{2}</sup>$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER:** 2004-01789

Stat	
Cen App Nar	ter coordinates of site (latitude/longitude):  Lat 36-1-19; Lon 83-2-26, Parrotsville, TN Quad proximate size of area (parcel) reviewed, including uplands: 0.17 acres.  The of nearest waterway: Clear Creek presented of watershed:  French Broad River, Nolichucky
	ICTIONAL DETERMINATION  npleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ <i>there appear to be</i> (or) $\square$ <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.17 ac.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
<b>A.</b>	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. □ □	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.  (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Clear Creek is a tributary to French Broad River, a Section 10 navigable waterway; another unnamed tributary is also connected to Nolichucky River, a navigable waterway.

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  Mean High Water Mark indicated by:	B and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	survey to available datum; ☐ physical markings; ☐  Wetland boundaries, as shown on the attached wetland de	
	United States:  Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing.  Artificial reflecting or swimming pools or other st by excavating and/or diking dry land to retain wat Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unles abandoned and the resulting body of water meets (328.3(a).  Isolated, intrastate wetland with no nexus to interse	of 33 CFR part 328.3(a)(3).  e following waters present on the site are not Waters of the  ds or lagoons, pursuant to 33 CFR part 328.3.  upland if the irrigation ceased.  Ind/or diking dry land to collect and  ch purposes as stock watering, irrigation, settling basins, or  mall ornamental bodies of water created  er for primarily aesthetic reasons.  Ental to construction activity and pits excavated in dry land for  s and until the construction or excavation operation is  the definition of waters of the United States found at 33 CFR  tate commerce.  tural Resources Conservation Service. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINAT Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app  This office concurs with the delineation report, dated  This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S.DA Natural Resources Conservation Service Soil Surv National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	applicant. licant. , prepared by (company): t, dated , prepared by (company): ey:
Project Ma	anager/Regulatory Specialist	Section Chief

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^2$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: Nashville** EILE NILIMBED. 2004 01694

FILE I	UNIDEK: 20	004-01084		
Sta Cor Cer Ap	te: Tennesse unty: Meigs nter coordina proximate siz me of neares	rion information:  the attes of site (latitude/longitude ze of area (parcel) reviewed, at waterway: Rowden Branch whed: Tennessee	including	
	mpleted: I	L DETERMINATION Desktop determination Site visit(s)	$\boxtimes$	Date: October 4, 2004 Date(s):
Jui	risdictional l	Determination (JD):		
	United Sta			, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the (nited States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
		are "navigable waters of the ed area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		are "waters of the United Sta area. Approximate size of jui		lefined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There a			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
	Waters de The presen	ice of waters that are subject	29 as "na to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
R	Waters de	efined under 33 CFR part 3	28 3(a) a	s "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):
(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
(iii) which are or could be used for industrial purposes by industries in interstate commerce.
(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by:  I ligh Tide Line indic
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Ten Mile  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: Nashville FILE NUMBER:** 2004-01683

(6) The presence of territorial seas.

FILE N	<b>UMBER:</b> 2004-0	01683		
Sta Co Ce Ap Na	te: Tennessee unty: Meigs nter coordinates o proximate size of	f site (latitude/longitude area (parcel) reviewed, erway: Rowden Branch Tennessee	including	
	DICTIONAL DE mpleted: Deskt Site v	•		Date: October 4, 2004 Date(s):
Ju	risdictional Deter	rmination (JD):		
		and/or "navigable water		, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
	Approved JD – Check all that a		ppealable	e action (Reference 33 CFR part 331).
		navigable waters of the ea. Approximate size o		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		waters of the United Sta Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There are "i			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS	OF JURISDICT	IONAL DETERMINA	ATION:	
<b>A.</b> ⊠	Waters defined The presence of	l under 33 CFR part 3 waters that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
В. П	(1) The presenc	e of waters, which are o	currently t	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
	<ul><li>(2) The presenc</li><li>(3) The presenc</li></ul>	e of interstate waters in e of other waters such a	cluding in as intrastat	
	destruction of w	hich could affect inters	state comn	nerce including any such waters (check all that apply):
		_		or foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.
	(iii) which	are or could be used for	r industria	ll purposes by industries in interstate commerce.
		nts of waters otherwise e of a tributary to a wat		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Well defined channel exist, continuous flow and the influence of ground water.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by:  I ligh Tide Line indic
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Ten Mile  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Nashville **FILE NUMBER: 200401869** 

	JECT LOCATION INFORMATION: State: TN	
Cer Ap Na	County: Benton Center coordinates of site (latitude/longitude): 36-31-15.2/88-1-16.1 Approximate size of area (parcel) reviewed, including uplands: acres. Name of nearest waterway: Tennessee River Name of watershed: Kentucky Lake	
	ISDICTIONAL DETERMINATION  Completed: Desktop determination	
Ju	Jurisdictional Determination (JD):	
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "wa United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not (Reference 33 CFR part 331).	
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidathe reviewed area. Approximate size of jurisdictional area:	ance) within
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) with reviewed area. Approximate size of jurisdictional area:	in the
	<ul> <li>There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determing Jurisdiction.</li> </ul>	nation of No
BASIS	IS OF JURISDICTIONAL DETERMINATION:	
A.	<u> </u>	en used in
B	<ul> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to us interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> </ul>	nudflats, ation or

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: I did line indicated by: I high Tide Line indicated by: I oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: I other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Lat ⊠	Ordinary High Water Mark indicated by:  I high Tide Line indicated by:  I oil or scum line along shore objects fine shell or debris deposits (foreshore)  I physical markings/characteristics  I destruction of terrestrial vegetation I shelving I other:  I other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Lewisburg, TN  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.